

HOUSE No. 1668

By Mr. Peterson of Grafton, petition of George N. Peterson, Jr., for legislation to clarify maintenance activities by public utilities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT CLARIFYING MAINTENANCE ACTIVITIES BY PUBLIC UTILITIES.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to immediately provide that certain
3 maintenance activities relating to public utilities may be per-
4 formed without acquiring the permit which is otherwise required,
5 therefore it is hereby declared to be an emergency law, necessary
6 for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 3 of chapter 131A of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 adding the following paragraph:—

4 Subject to paragraph three of section 5(a), the provisions of this
5 chapter shall not apply to the alteration of significant habitat in
6 the course of maintaining, repairing or replacing, but not substan-
7 tially changing or enlarging the footprint of, an existing and law-
8 fully located structure or facility used in the service of the public
9 and to provide electric, gas, water, telephone, telegraph, or other
10 energy or communication transmission services.

1 SECTION 2. Section 5 of said chapter 131A, as so appearing,
2 is hereby amended by striking out, in line 2, the words “paragraph
3 four” and inserting in place thereof the following words:— para-
4 graphs four and five.